

URBAN/MUNICIPAL

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79 B144

ADULT ENTERTAINMENT PARLOURS
BY-LAW



THIS CONSOLIDATION OF THE BY-LAW IS
PREPARED FOR CONVENIENCE ONLY, FOR
ACCURATE REFERENCE PLEASE CHECK THE
ORIGINAL BY-LAW

The Corporation of the City of Hamilton

BY-LAW NO. 96- 049

To Amend Adult Entertainment Parlour By-law No. 79-144

Respecting:

LICENCE FEES

WHEREAS adult entertainment parlours are licensed, regulated and governed under the City of Hamilton By-law No. 79-144 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, directed that the By-law be further amended to provide for a fifty-dollar added fee to cover costs on first time applications, being non-refundable in the event of non-issuance of the licence;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Licensing By-law 79-144 as amended, is further amended by repealing and replacing Section 6 with the following :

" 6. (1) Subject to subsection (3), every person shall, upon application for a licence, pay to the City the applicable fee set out in columns 2, 3, 4, or 5 of Schedule 1.00, which schedule is attached to and forms a part of this by-law, for the corresponding class of adult entertainment parlour described in column 1.

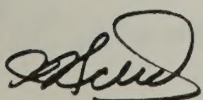
(2) No licence shall be issued where the fee under (1) is not paid in full at the time of application.

(3) The fee required to be paid for other than a renewal of a licence under this by-law, shall be the fee payable under subsection (1), plus fifty-dollars, and for the sake of clarity in this section, "renewal" means renewal by the current licensee of the previous year's licence.

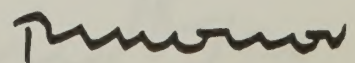
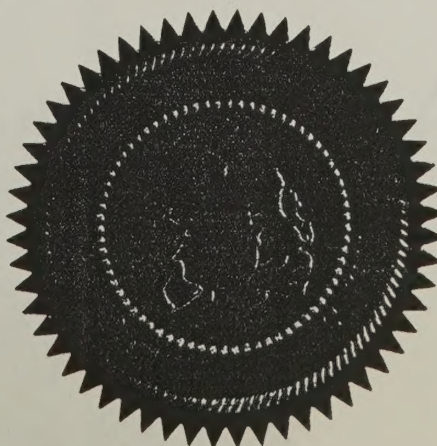
(4) In the case of an application for a licence other than a renewal, fifty-dollars of the licence fee is non-refundable in the event the licence is not issued."

2. In all other respects By-law No. 79-144 as amended is hereby confirmed without change.

PASSED this 26th day of March A.D. 1996.



City Clerk



Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 95-197

To Amend:

Adult Entertainment Parlours By-law No. 79-144

Respecting:

LAP DANCING

WHEREAS adult entertainment parlours are licensed, regulated and governed in By-law No. 79-144 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 7 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 26th day of September, 1995, directed that By-law No. 79-144 be further amended out of concern for the health and safety of attendants and patrons at adult entertainment parlours, to provide for the banning of touching between attendants and other persons in an adult entertainment parlour, the banning of advertising of lap dancing, and the posting of a sign;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Licensing By-law No. 79-144, be further amended by adding the sign as "Form 6", which is attached to and forms a part of this by-law.

2. Schedule 1.01 to By-law 79-144, be further amended by adding the following sections under Part 8 (General Requirements), after section 39:

"39a. The owner or operator of an Adult Entertainment Parlour shall display the sign attached as Form 6, which is included in and forms a part of this by-law, within the licensed premises, in an area accessible and visible to the public, to inform the patrons.

39b. The owner or operator of an Adult Entertainment Parlour shall not use signs or other advertisements promoting the business, which contain the words "lap dancing" or other similar or synonymous words or phrases.

39c. No person shall, being licensed as an owner or operator of an Adult Entertainment Parlour, permit in the parlour, an attendant while providing services as an attendant, to have physical contact with another person's body, or to touch or be touched by another person.

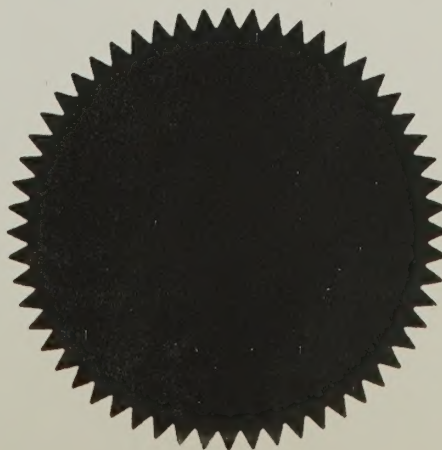
39d. No attendant shall, during the provision of services as an attendant within an Adult Entertainment Parlour, touch or have physical contact with another person."

3. In all other respects By-law No. 79-144 as amended, is hereby confirmed without change.

PASSED this 31st day of October A.D. 1995.

A. B. Macdonald

ACTING CITY CLERK



Christy Brown
ACTING MAYOR

**NOTICE TO ALL ADULT ENTERTAINMENT PARLOUR
ATTENDANTS & CUSTOMERS**

It has been determined by the Medical Officer of Health that Lap Dancing or physical contact between customers and attendants can be a health hazard because of the risk of transmitting infectious diseases. Touching or physical contact between customers and attendants is not permitted.

Schedule 1.01 of City of Hamilton Adult Entertainment Parlour By-law 79-144 prohibits an attendant to touch or have physical contact with another person's body. Upon conviction under the by-law, the penalties provided include a maximum fine of \$25,000, or imprisonment for a term not exceeding one year, or both.

Section 265 of the Criminal Code provides, in part, that a person commits an assault "when he (customer), without the consent of another person (performer), applies force intentionally to that other person, directly or indirectly".

Section 266 of the Criminal Code provides that everyone who commits an assault is guilty of:

- (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary condition.

Section 167 of the Criminal Code provides, in part, that it is an offence to present, give or allow an immoral, indecent or obscene performance.

Section 169 of the Criminal Code provides that everyone who commits an offence under Section 167 is guilty of:

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction.

To Register Complaints please contact the Licensing Division, City Clerk's Department at (905) 546-2349.

J.J. Schatz
City Clerk
Hamilton, Ontario

FORM 6
November 1, 1995



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The Corporation of the City of Hamilton

BY-LAW NO. 93- 091

To Amend By-law 79-144 Respecting:

CLASS "H" ADULT ENTERTAINMENT PARLOUR LICENCES

WHEREAS the Corporation of the City of Hamilton enacted By-law 79-144 to licence Adult Entertainment Parlours;

AND WHEREAS it is desirable to reduce the number of available Class "H" licences and provide for further reduction of the number of Class "H" licences;

AND WHEREAS it is desirable to apply the restrictions on locating near residential and other prohibited areas to any location previously used as a Class "H" adult entertainment parlour;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law 79-144, as amended in By-laws 87-323 and 88-68, is hereby further amended as follows:

(a) Subsection 2(1) of By-law 79-144, as amended in By-laws 87-323 and 88-68, is further amended by deleting from the beginning of the subsection, the words "Subject to subsections 3, 4, and 4a".

(b) Subsections 2(4) and (5) of By-law 79-144, as added by By-law 87-323 and amended in By-law 88-68, are repealed and replaced with the following:

"(4) No person shall operate a Class "H" adult entertainment parlour in a permitted area unless:

(a) The Class "H" adult entertainment parlour is located on a lot having a minimum radial separation distance of 500 metres from the lot line to the lot line of every lot in an area listed in Schedule 4, or to the lot line of every lot in any residential district as provided and described in Zoning By-law No. 6593 as amended, or

(b) The Class "H" adult entertainment parlour is licensed and in operation on the day that this subsection comes into force and effect and so long as it continues to be so licensed."

"(5) Subject to (6), the total number of Class "H" licences to be granted under this by-law is 4."

(c) Section 2 of By-law 79-144 is further amended by adding the following at the end of section 2, as subsection (6):

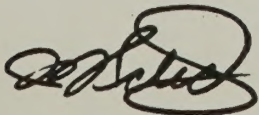
"(6) The total number of Class "H" licences to be granted under this by-law shall be reduced from 4, as Class "H" licences expire without renewal by the licence holder or as the licences are otherwise surrendered or lawfully revoked, until the number of licences is reduced to 2."

2. In all other respects By-law 79-144 as amended is confirmed without change.

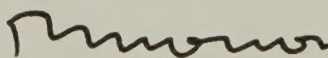
3. This By-law comes into force and effect on the date of enactment.

PASSED this 13th day of April

A.D. 1993.



City Clerk



Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 79 - 144

To License, Regulate, Govern,
Classify and Inspect, etc.

ADULT ENTERTAINMENT PARLOURS

WHEREAS section 368b(1) of The Municipal Act, R.S.O.
1970, Chapter 284, provides as follows:

368b (1) By-laws may be passed by the councils
of all municipalities for licensing, regulating,
governing, classifying and inspecting adult enter-
tainment parlours or any class or classes thereof
and for revoking or suspending any such licence
and for limiting the number of such licences to
be granted, in accordance with subsection 3;

AND WHEREAS it is desirable that a by-law be passed
for the purpose aforesaid and to implement all other power and
authority provided in S. 368b of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the
City of Hamilton enacts as follows:

PART I

INTERPRETATIONS

1. In this by-law and schedule,
 - (a) "applicant" means a person who applies for,
 - (i) a licence required to be taken out under subsection 1 of section 2; or
 - (ii) a licence required to be taken out under subsection 1 of section 3; or
 - (iii) a renewal of a licence; or
 - (iv) a transfer of a licence;
 - (b) "attendant" when used in reference to an adult entertainment parlour, refers to a person who provides erotic goods or erotic services, other than an owner or operator;

*Original copy in By-Laws - City of
Hamilton 1979*

CA4 ONHBLA08 B91 1979

- (c) "building commissioner" means the Building Commissioner of the city;
- (d) "chief constable" means the chief of police of the Hamilton-Wentworth Regional Police;
- (e) "chief licence inspector" means the chief licence inspector of the city;
- (f) "city" means the City of Hamilton;
- (g) "class of adult entertainment parlour" means a class referred to in section 2 of schedule 1.01;
- (h) "class of licence" means a licence identified by a capital letter of the alphabet corresponding to a class of adult entertainment parlour;
- (i) "constable" means a police constable;
- (j) "council" means the council of the city;
- (k) "effective date" means the date in a written notice described as effective date;
- (l) "fee" means a fee referred to in subsection 1 of section 6;
- (m) "fire chief" means the Chief Fire Prevention Officer of the city;
- (n) "licence" means a licence issued under this by-law;
- (o) "licensee" means the person to whom a licence is issued under subsection 1 of section 2;
- (p) "licence administrator" means the Licence Administrator appointed by the city;
- (q) "licence inspector" means a licence inspector of the city;
- (r) "licensing committee" means The City of Hamilton Licensing Committee;
- (s) "medical officer" means the Medical Officer of Health or a person authorized by him;
- (t) "operator" when used in reference to an adult entertainment parlour, refers to the person who alone, or with others, operates, manages, supervises, runs or controls an adult entertainment parlour and "operate", "operation" and other words of like import or intent shall have the corresponding meaning;
- (u) "owner" when used in reference to an adult entertainment parlour, means a person who alone, or with others, has a right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour, and includes a lessee of an adult entertainment parlour or premises upon which an adult entertainment parlour is located;

- (v) "person" includes a firm or corporation to whom or to which the context applies;
- (w) "person authorized by the city" means a licence inspector, an inspector appointed under any by-law of the city, a by-law enforcement officer, a public health inspector and the medical officer; and any person authorized by the medical officer;
- (x) "residential district" has the same meaning as in By-law No. 6593;
- (y) "schedule" means a schedule mentioned in section 23.

PART II

LICENCE

2. (1) There shall be taken out by,

- 1.01 every person who, as attendant, carries on or is engaged in a trade or occupation at or in an adult entertainment parlour;
- 1.011 every person who carries on or is engaged in providing, as operator, an adult entertainment parlour;
- 1.012 every person who carries on or is engaged in providing, as owner, an adult entertainment parlour,

a licence from the city authorizing them to carry on their several trades, callings, businesses and occupations in the city, in or upon the class of adult entertainment parlour identified in the licence.

(2) No person mentioned in subsection 1 shall, within the city, carry on or engage in any of the trades, callings, businesses or occupations until a licence has been issued, renewed or transferred to him, entitling him to do so and is in force.

3. No adult entertainment parlour mentioned in subsection 1 of section 2 shall commence to carry on business or continue to carry on business until a licence has been issued or renewed and is in force.

4. Every person required to take out a licence under section 2, shall take out a separate licence for each class of adult entertainment parlour.

5. (1) Every licence shall specify whether the licence is issued under clause 1.01, 1.011 or 1.012 of subsection 1 of section 2 or section 3 of the by-law and the class of adult entertainment parlour referred to in section 2 of schedule 1.01.
- (2) Every licence issued to an attendant shall specify the duties of the attendant.
6. (1) Every person shall, upon application for a licence or renewal of a licence or transfer of a licence, pay to the licensing committee the applicable fee set out in columns 2, 3, 4 or 5 of schedule 1.00 for the corresponding class of adult entertainment parlour described in column 1.
- (2) No licence shall be issued where the fee is not paid in full at the time of the application.
7. Every applicant shall make a separate application for a licence to the licensing committee.
8. Every applicant shall,
- (a) complete such application forms prescribed by the licensing committee;
 - (b) provide the licensing committee with such information as the licensing committee may direct to be furnished;
 - (c) provide such information as may be required under schedule 1.01.
9. Upon receipt of an application, the licensing committee shall cause to be made all such investigations as it requires and shall consider the results of such investigations and any other reports before a licence is issued or transferred.
10. The licensing committee shall, in considering the application, take into account the following:
- 1. The character of the applicant.
 - 2. Whether the provision of erotic goods or erotic services by an applicant may result in a breach of the law or of this by-law or any other by-law of the city.
 - 3. Whether the provision of erotic goods or erotic services by the applicant may be or is in any way adverse to the public interest, having regard to public complaints or the results of any investigation, or both.
 - 4. Any other matters which the licensing committee requires to be considered upon such application.

11. If the investigations referred to in section 9 do not disclose any reason to believe that the applicant's character may not be good, or that the provision of erotic goods or erotic services by the applicant may result in a breach of the law or of this by-law or any other by-law of the city, or may be in any way adverse to the public interest, the licensing committee may approve the application and issue the licence.

12. If the investigations referred to in section 9 disclose any reason to believe that the applicant's character may not be good, or that the provision of erotic goods or erotic services by the applicant may result in a breach of the law, or of this by-law or any other by-law of the city, or may be in any way adverse to the public interest, the licensing committee may disapprove of the application and refuse to issue a licence.

13. (1) The licensing committee may suspend a licence or revoke a licence issued to an owner of, or an operator of, or attendant at an adult entertainment parlour,

- (a) where the provision of erotic goods or erotic services by an owner or an operator or an attendant may result, or results in a breach of the law, or of this by-law or of any other by-law of the city;
- (b) where, in the opinion of the licensing committee, the provision of erotic goods or erotic services by an owner or an operator or an attendant may be or is in any way adverse to the public interest evidenced by public complaints, or by any adverse report consequent upon any investigation or both;
- (c) on such reasonable grounds as may be determined by the licensing committee.

(2) The licensing committee may suspend a licence for such period of time as it may determine.

14. (1) The licence administrator shall, on behalf of the licensing committee, sign all licences and his signature may be printed or mechanically reproduced upon each licence issued.

(2) The licence shall be in such form and have such content as the licensing committee may from time to time determine.

15. (1) Subject to the provisions of schedule 1.01, every person shall keep his licence posted or displayed in a conspicuous place on the premises on which the trade, calling, business or occupation is carried on, as may be required by the licensing committee.

(2) Every licensee shall, when requested by the chief licence inspector, a licence inspector or a constable, produce the licence certificate for inspection or removal, or both.

(3) No person other than a licensee shall use the words "licensed" or "City licensed" or "entertainment parlour" or "licensed entertainment parlour" or any other words to that effect indicating that goods or services are provided in pursuance of or in connection with any trade, calling, business or occupation carried on in an adult entertainment parlour, unless the person has been issued a licence by the licensing committee under this by-law.

16. (1) Where a person shall enjoy a vested right in the issue or renewal of a licence, upon the issue, renewal, transfer, suspension or revocation of the licence, the monetary value of the licence shall be the property of the city.

(2) No licence shall be renewed or transferred except upon consent of the licensing committee in writing and the licensing committee shall not be bound to give such consent.

17. Subject to section 52 of schedule 1.01, no licensee shall promote or carry on his trade, calling, business or occupation under any name or style other than the name or style endorsed upon his licence.

18. (1) The person to whom a licence was issued shall return,

(a) the licence certificate;

(b) any identification card issued by the city,

where a licence is not renewed or upon suspension or revocation of the licence within twenty four hours of the effective date.

(2) The chief inspector, an inspector, or a constable, may enter upon the premises or have access to any property of the licensee for the purpose of receiving or taking or removing the licence certificate.

(3) No person whose licence is revoked, suspended, or not renewed, shall refuse to deliver the licence certificate and the identification card to the chief inspector, an inspector, or a constable upon demand.

19. (1) The chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector may at all times inspect the adult entertainment parlour.

(2) The chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector may at all times inspect,

(a) goods, chattels, articles or material of any sort, or building or structure; or

(b) books, records, documents or any paper or writing,

used for or in connection with and upon the adult entertainment parlour.

(3) The chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector may at any time remove any paper, document, record book or other writing for inspection or review or for use in the courts.

20. (1) No person shall hinder, obstruct, molest or interfere with, or attempt to hinder, obstruct, molest or interfere with the chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector in the exercise of his powers or duties under this by-law, or a by-law of the city.

(2) Every person shall furnish all necessary means in his power to facilitate entry, inspection, examination, testing or inquiry by the chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector in the exercise of his powers and duties under this by-law, or a by-law of the city.

(3) No person shall neglect or refuse to produce any books, records, papers, letters, copies of letters, licence certificates, licence identification cards, documents or any other writings of any nature, and any tangible personal property as may be required by,

(a) the licensing committee;

(b) the chief licence inspector, a licence inspector, a constable, the medical officer or a public health inspector in the exercise of his powers and duties under this by-law, or a by-law of the city.

(4) No person shall furnish false information to, or refuse or neglect to furnish information required by, the licensing committee or the licence administrator, or the chief licence inspector, or a licence inspector, or a constable, or the medical officer or a public health inspector.

21. Where an offence is alleged to have been committed contrary to any provision of this by-law and any provision or regulation in a schedule, the chief licence inspector or a licence inspector or a constable observing same may leave with the licensee or his employee, servant, agent, or representative, a serially numbered tag bearing the address of the adult entertainment parlour from which the trade, calling, business or occupation is carried out.

22. Any person upon presentation of the tag may within 48 hours of the date on the tag, exclusive of Sundays and holidays, pay a penalty out of court in respect of the alleged offence, in an amount as follows:

1. For the first alleged offence, an amount of \$100.00.
2. For the second alleged offence, an amount of \$500.00.
3. For the third alleged offence, an amount of \$1,000.00.

23. The following schedules are hereto annexed and form part of this by-law:

1. Schedules numbered 1.00 and 1.01.

24. (1) Every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed on the corporation is \$25,000 and not as provided therein.

25. If what is known as "Daylight Saving Time" has been generally adopted in the city for any period of the year under any Statute, Order-in-Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during the periods in every reference to time in this by-law.

26. (1) The licences for the several trades, callings, businesses or occupations set out in schedule 1.01 to this by-law, unless they are expressed to be for a shorter or longer time, are for one calendar year.

(2) Unless the licences referred to in subsection 1 are sooner revoked or suspended or unless otherwise provided in a schedule, they shall in each case, expire on the 31st day of December in each year.

27. (1) Where a licence is an annual licence, the fee shall be paid for the whole of the calendar year for which the licence is issued.

(2) Where the licence is a licence for any period less than a year, the fee shall be paid for the part of the period for which the licence is issued.

(3) Unless otherwise provided in a schedule, the amount of a licence fee fixed in the schedule, shall be the fee payable for renewal of the licence or transfer of the licence.

28. (1) The provisions of this by-law shall be read as prescribing additional requirements to the provisions of Health By-law No. 4798.

(2) In the event of a conflict between the provisions of this by-law and Health By-law No. 4798, the provisions of Health By-law No. 4798 shall prevail.

29. In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.

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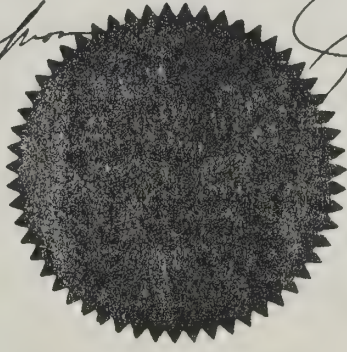
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30. The issue, renewal or transfer of a licence for any class of adult entertainment parlour under this by-law, shall not be construed as permission or consent to contravene any provision of The Criminal Code of Canada or any Statute of Ontario or any other By-law of the City of Hamilton.

PASSED this 8th day of May A.D. 1979

[Signature]
City Clerk

[Signature]
Mayor



(1979) 5 R.L.F.C. 1, May 8

- 10 -

SCHEDULE 1.00

LICENCE FEES
(Section 6)

Class of Adult Entertainment Parlour (Column 1)	Licence Fees for Owner not operating his own Adult Entertainment Parlour (Column 2)	Licence Fees for Owner oper- ating his own Adult Enter- tainment Parlour (Column 3)	Licence Fees for Operator (Column 4)	Licence Fees for Attendant (Column 5)
CLASS "A"	\$ 15.00	\$ 15.00	\$ 15.00	\$ --
CLASS "F"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00
CLASS "G"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00
CLASS "H"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00
CLASS "I"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00
CLASS "J"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00
CLASS "K"	\$3,000.00	\$3,000.00	\$1,000.00	\$150.00

SCHEDULE 1.01
ADULT ENTERTAINMENT PARLOURS

In this schedule,

- (a) "adult entertainment parlour" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- (b) "attendant" means a person referred to in clause 1.01 of subsection 1 of section 2 of the by-law;
- (c) "distributor" means a person in the business of providing erotic goods to a licensee;
- (d) "erotic goods" means goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- (e) "erotic services" means services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- (f) "goods" includes magazines;
- (g) "non-erotic goods" means goods as defined in clause (f) and any other goods of any kind whatsoever that do not appeal and are not designed to appeal to erotic or sexual appetites or inclinations;
- (h) "non-erotic services" means services as defined in clause (m) and any other services of any kind whatsoever that do not appeal and are not designed to appeal to erotic or sexual appetites or inclinations;
- (i) "operator" means a person referred to in clause 1.011 of subsection 1 of section 2 of the by-law;
- (j) "owner" means the person referred to in clause 1.012 of subsection 1 of section 2 of the by-law;
- (k) "to provide" when used in relation to goods, includes to sell, offer to sell, or display for sale, by retail or otherwise, such goods and "providing" and "provision" have corresponding meanings;
- (l) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;
- (m) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;

- (n) "services designed to appeal to erotic or sexual appetites or inclinations" includes,
- (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - (ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

2. Every owner, operator and attendant shall take out a separate licence for one or more of the following classes of adult entertainment parlours:

- Class "A" -- Authorizing the licensee to provide goods that are magazines appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "F" -- Authorizing the licensee to provide services that are activities other than services referred to in Classes "G", "H", "I", "J" and "K" appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "G" -- Authorizing the licensee to provide services that are facilities appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "H" -- Authorizing the licensee to provide services that are performances appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "I" -- Authorizing the licensee to provide services that are exhibitions appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "J" -- Authorizing the licensee to provide viewings appealing to or designed to appeal to erotic or sexual appetites or inclinations;
- Class "K" -- Authorizing the licensee to provide services that are encounters appealing to or designed to appeal to erotic or sexual appetites or inclinations.

1. goods
2. licence

PART 1

CLASS "A" ADULT ENTERTAINMENT PARLOURS

For the purpose of this Part, "erotic goods" are goods in respect of which a Class "A" licence is issued.

Every owner and every operator to whom a Class "A" licence is issued, shall comply with the following regulations:

1. Keep and maintain the erotic goods at least four feet above floor level.
2. Keep and maintain the erotic goods, while on display or available for purchase, in a sealed transparent package or wrapping on which is imprinted in legible writing the name and address of the distributor.
3. Permit only the title of the erotic goods to be exposed to viewing.

PART 2

CLASS "F" ADULT ENTERTAINMENT PARLOURS

Not more than -- Class "F" licences shall be issued.

For the purpose of this Part, "erotic services" are the services in respect of which a Class "F" licence is issued.

Every owner and every operator and every attendant to whom a Class "F" licence is issued, shall comply, mutatis mutandis, with the regulations set out in sections 9 and 10 of Part 3 of this schedule.

PART 3

CLASS "G" ADULT ENTERTAINMENT PARLOURS

In this Part,

- (a) "facilities" means premises or things, as the case may be, that promote the ease of any action, operation, transaction or course of conduct or allow an advantage, opportunity or occasion for appealing to or are designed to appeal to erotic or sexual appetites or inclinations.

7. Not more than -- Class "G" licences shall be issued.
8. For the purpose of this Part, "erotic services" means services in respect of which a Class "G" licence is issued.
9. Every owner and every operator to whom a Class "G" licence is issued, shall comply with the following regulations:
 1. Post in large and clear writing and in a conspicuous place readily viewed by persons entering the premises, the maximum number of persons that may be lawfully accommodated in the adult entertainment parlour at any one time.
 2. Set forth no explanation or description of erotic services provided in the adult entertainment parlour except at or in the immediate area where such services are provided.
 3. Not employ an attendant, or contract for the services of an attendant, where the attendant provides services to any other owner or operator of any other adult entertainment parlour.
 4. Not permit the door to any room or cubicle or part of the premises where erotic services are or may be provided to be equipped or constructed with or used with,
 - (a) a locking device of any kind; or
 - (b) with any other device, structure, or any other thing,which could delay or hinder anyone from entering or obtaining access to such room or cubicle or part of the premises.
 5. Make available to any customer requesting same, a depository for the safe keeping of valuables or other property and give to the customer a serially numbered receipt specifying the nature of the valuables or other property deposited.
 6. Carefully search the adult entertainment parlour immediately upon completion of providing services, for any valuables or other property lost or left therein by any customer and deliver forthwith the valuables or other property found to the owner or operator.
 7. Return all valuables or other property to the customer upon demand, upon the customer signing a receipt therefor.

8. Deliver forthwith all valuables and other property left on the premises,
 - (a) to the owner thereof; or
 - (b) to the chief constable if the owner cannot be found, together with all such information in his possession regarding the valuables or other property.
9. Not provide or permit erotic service to any person who is, or appears to be, under the age of eighteen years.
10. Not permit any person who is actually or apparently under the age of eighteen years to enter into or remain in or upon the adult entertainment parlour.
11. Cause every attendant and every employee to submit to such medical examinations and tests as the medical officer may require from time to time.
12. Cause every attendant not to provide erotic services where the owner or the operator is not within the adult entertainment parlour during business hours.
13. Not permit the adult entertainment parlour to open or remain open for business unless at all times during the hours of business either the owner or the operator is upon the premises.
14. Close the adult entertainment parlour when neither the owner or the operator is upon the premises during the hours of business.
15. Cause all doors or other principle means of access into the adult entertainment parlour by any member of the public to be kept unlocked or otherwise unobstructed in order to allow for entrance therein without hindrance or delay.
16. Cause the interior of the adult entertainment parlour to be constructed in such a manner as to prevent viewing from the exterior of the premises.
17. Not permit any person who appears to be intoxicated by alcohol or drugs to enter or remain in the adult entertainment parlour.
18. Not permit any person apparently suffering from any communicable disease, in his opinion, to enter into the adult entertainment parlour.
19. Keep and maintain the adult entertainment parlour in a clean and orderly condition suitable for the purpose for which it is used.

20. Suitably light and ventilate the premises during their use and for one-half hour prior to and after use.
 21. Provide the adult entertainment parlour with sanitary facilities, satisfactory to the medical officer.
 22. Provide separate sanitary facilities in the adult entertainment parlour for owner, operator, attendants and other employees and separate sanitary facilities for persons to whom erotic services are provided, satisfactory to the medical officer.
 23. Maintain the sanitary facilities in a clean and sanitary condition at all times.
 24. Not permit or allow snow or ice to accumulate on any fire escape or other means of egress so as to interfere with the proper use of the fire escape or other means of egress.
 25. Not permit or allow to be obstructed a highway or part thereof by the users of the premises.
 26. Immediately notify or cause to be notified the Fire Department, the chief constable, or a constable or one or more of them in the event of,
 - (a) fire; or
 - (b) panic; or
 - (c) any other occurrence contrary to the enjoyment of the premises by one or more patrons, customers, or other persons reasonably utilizing the premises for the purpose for which it is intended to be used.
 27. Keep good order in the adult entertainment parlour.
 28. Keep sufficient staff of employees or servants in order to keep good order, satisfactory to the chief inspector.
10. Every operator and every attendant shall comply with the following regulations:
1. Not provide erotic services to more than one owner in respect of more than one adult entertainment parlour.
 2. Submit to such medical examinations and tests as the medical officer may require from time to time.

PART 4

CLASS "H" ADULT ENTERTAINMENT PARLOURS

In this Part,

11. (a) "perform" or "performance" means the carrying out or execution of actions with skill, whether technical, artistic or otherwise, in a manner as to attract the attention by appealing or as being designed to appeal to the erotic or sexual appetites or inclinations.

12. Not more than -- Class "H" licences shall be issued.

13. For the purpose of this Part, "erotic services" are services in respect of which a Class "H" licence is issued.

14. Every owner and every operator and every attendant to whom a Class "H" licence is issued shall comply, mutatis mutandis, with the regulations set out in sections 9 and 10 of Part 3 of this schedule.

PART 5

CLASS "I" ADULT ENTERTAINMENT PARLOURS

15. In this Part,

- (a) "exhibit" or "exhibition" means a public show or display or holding forth of one or more persons or things appealing to or designed to appeal to the erotic or sexual appetites or inclinations.

16. Not more than -- Class "I" licences shall be issued.

17. For the purpose of this Part, "erotic services" are services in respect of which a Class "I" licence is issued.

18. Every owner and every operator and every attendant to whom a Class "I" licence is issued shall comply, mutatis mutandis, with the regulations set out in sections 9 and 10 of Part 3 of this schedule.

PART 6

CLASS "J" ADULT ENTERTAINMENT PARLOURS

In this Part,

- (a) "viewings" means,

- (i) seeing or beholding; or
- (ii) inspecting by the eyes; or
- (iii) looking or regarding,

prerecorded images appealing to or designed to appeal to the erotic or sexual appetites or inclinations;

- (b) "prerecorded images" means visual images that are produced by any medium and are available for viewing by any mode of presentation.

20. Not more than -- Class "J" licences shall be issued.

21. For the purpose of this Part, "erotic services" are services in respect of which a Class "J" licence is issued.

22. Every owner and every operator and every attendant to whom a Class "J" licence is issued shall comply, mutatis mutandis, with the regulations set out in sections 9 and 10 of Part 3 of this schedule.

PART 7

CLASS "K" ADULT ENTERTAINMENT PARLOURS

23. In this Part,

- (a) "encounters" means meetings of at least two persons for the purpose of providing an occurrence wherein the behaviour of the persons has the effect of appealing to or as being designed to appeal to erotic or sexual appetites or inclinations.

24. Not more than -- Class "K" licences shall be issued.

25. For the purpose of this Part, "erotic services" are services in respect of which a Class "K" licence is issued.

26. Every owner and every operator and every attendant to whom a Class "K" licence is issued shall comply, mutatis mutandis, with the regulations set out in sections 9 and 10 of Part 3 of this schedule.

PART 8

GENERAL REQUIREMENTS

(1) On every application by an individual for a licence or for the renewal thereof, the applicant shall,

- (a) attend in person and not by his agent; and
- (b) complete the prescribed forms furnished by the licensing committee; and
- (c) furnish such information as the licensing committee may require.

(2) Where an adult entertainment parlour is owned or operated by,

- (a) a partnership, the attendance under subsection 1 shall be by one of the partners; and
- (b) a corporation, the attendance under subsection 1 shall be by an officer of the corporation.

(3) Every applicant for an attendant's licence or for the renewal of a licence, shall submit with his application two passport size photographs,

- (a) one of which shall be attached to the licence; and
- (b) one of which shall be filed with the licensing committee.

(4) Every applicant for an owner's licence shall, at the time of making his application, file with the licensing committee,

- (a) a list showing the names of all operators and attendants; and
- (b) all such persons intended or expected by him to be employed or to perform services.

(5) On every application for an owner's, operator's or attendant's licence by an individual or by a corporation, the applicant shall state,

- (a) if the applicant is an individual, his date of birth;
- (b) if the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any of the corporations referred to in section 43 of this Part.

(6) Every applicant referred to in subsection 5, and every shareholder, partner, shall file with or produce to the licensing committee proof of his age, if required to do so by the licensing committee.

(7) No licence shall be issued unless the licensing committee is satisfied that every such person referred to in subsection 6 is of the full age of eighteen years.

28. (1) Every corporation applying for an owner's or operator's licence shall file with the licensing committee at the time of its application,

- (a) a copy of its incorporating documents duly certified by the issuing authority; and
- (b) a Return in a form supplied by the licensing committee containing a list of all the shareholders of the corporation.

(2) Where the shares of the corporation applying for a licence are held in whole or in part by another corporation, the corporation applying for the licence shall file all such Returns for all corporations owning shares until the names of all living individuals are shown and identified as shareholders of any or all corporations having an interest directly or indirectly in the shares of the applicant corporation.

(3) The Returns mentioned in subsection 2, shall be filed with the licensing committee at the same time as the filing of the application.

29. (1) Every owner or operator that is a corporation shall, in every year, on or before the time when it applies for a renewal of its licence, file with the licensing committee an Annual Return on a form supplied by the licensing committee.

(2) Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the licensing committee in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation.

(3) Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is determined by the licensing committee to have changed hands, such licence or licences shall be terminated forthwith, and the licensing committee may issue a new licence or new licences upon payment of the prescribed fee.

(4) Where the shares of the corporation applying for a licence are held in whole or in part by another corporation, the corporation applying for the licence shall file an Annual Return for all corporations owning shares until the names of all living individuals are shown and identified as shareholders of any or all corporations having an interest directly or indirectly in the shares of the applicant corporation.

(5) For the purpose of this section, "shareholder" and any expression referring to the holding of shares includes all persons having a beneficial interest of any kind in the share of the corporation.

30. (1) Persons associated in a partnership applying for an owner's or operator's licence shall file with its application a declaration in writing signed by all the members of the partnership, which declaration shall state,

- (a) the full name of every partner and the address of his ordinary residence; and
- (b) the name or names under which they carry on or intend to carry on business; and
- (c) that the persons therein named are the only members of the partnership; and
- (d) the mailing address for the partnership.

(2) If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of section 28 of this Part, be deemed to be a corporation applying for an owner's or operator's licence and if such licence is issued to the partnership such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.

(3) Every member of a partnership shall advise the licensing committee immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the licensing committee.

31. (1) Every person applying for an owner's, operator's or attendant's licence under a name or designation other than his own name or under his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm, shall, at the time of the making of his application, file with the licensing committee a declaration, which declaration shall state,

- (a) his full name and the address of his ordinary residence; and
- (b) any name or designation under which he carries on or intends to carry on businesses, and the date when the name or designation was first used by him; and
- (c) that no other person is associated with him in partnership; and
- (d) the date of his birth; and
- (e) the mailing address for his business.

(2) A person to whom this section relates shall notify the licensing committee immediately of any change in any of the particulars required to be filed with the licensing committee under subsection 1 of this section.

32. (1) Every owner, operator or attendant applying for a licence shall use his own legal name in making such application and subject to subsection 2 of this section, no such licence shall be issued to any person in any name other than his own legal name.

(2) Every owner, operator or attendant intending to use some name or designation other than his own may, at the time of the issue of his licence, or at the time at which he files with the licensing committee notice of intention to use such name or designation, have endorsed on his licence such name or designation.

(3) No owner, operator or attendant shall carry on business under any name or designation other than his own unless he has filed with the licensing committee a notice of his intention to use such name or designation.

(4) No person shall use any name or designation in respect of an adult entertainment parlour or any trade, calling, business or occupation carried on therein without first notifying the licensing committee of such name or designation intended to be used and having such name endorsed upon his licence in accordance with section 2.

33. Every applicant for an owner's licence shall file with the licensing committee documentation satisfactory to the licensing committee,

(a) demonstrating the applicant's right to possess or occupy the premises to be used or used by him as an adult entertainment parlour;

(b) constituting or affecting any legal arrangement or relationship between the applicant and the registered owner in fee simple of the real property.

34. Every person before operating his own adult entertainment parlour, shall so notify the licensing committee at the time he applies for a licence and his licence shall be so endorsed as owner and operator where the owner ceases to operate his own adult entertainment parlour and he shall before engaging any person as an operator,

(a) notify the licensing committee; and

(b) produce his licence certificate to the licensing committee for amendment to delete any reference to "operator".

35.
tions:

Every owner shall comply with the following regulations:

1. Not permit any person other than a licensed operator to operate the adult entertainment parlour.

2. Not permit any person other than an employee of such owner or a person with whom the owner has contracted,

(a) to operate the adult entertainment parlour; or

(b) to provide erotic goods or to provide erotic services in the adult entertainment parlour.

Every operator shall comply with the following regulations:

1. Not operate an adult entertainment parlour unless the owner is duly licensed under this by-law.
2. Not operate an adult entertainment parlour unless,
 - (a) he first notifies the licensing committee of the name of the owner whose adult entertainment parlour he intends to operate; and
 - (b) he has endorsed on his licence the owner's name.
3. Not operate any other adult entertainment parlour before he notifies the licensing committee of his intention so to do and has his licence endorsed accordingly.

Every attendant shall comply with the following regulations:

1. Not provide any erotic goods or not provide any erotic services unless his licence is posted up throughout the term of his employment as attendant in a conspicuous place in the adult entertainment parlour.
2. Not provide any erotic goods and not provide any erotic services unless the owner or operator, if any, is duly licensed as owner or operator respectively under this by-law.
3. Not perform any duties that are not specified in the licence.

38. Every owner and every operator shall comply with the following regulations:

1. Promote the adult entertainment parlour only by means of signs.
2. Not use more than two signs.
3. Use only a sign that does not exceed four square feet in area.
4. Use signs that are not illuminated or are illuminated by a non-flashing indirect or interior means.
5. Exhibit one sign over the street door or in a lower front window of the premises on the exterior of the premises, satisfactory to the licensing committee, bearing only the following information:

1. The words "Class _____ licensed Adult Entertainment Parlour Licence No. _____", complete with the class designation and licence number inserted therein.

6. Display a sign having a depth of not more than three inches, flat against the external portion of a wall or door of the premises bearing only the following information:
 - (i) owner's proper legal name as shown on the licence;
 - (ii) name, if any, under which the owner carries on, or is engaged in business as endorsed on his licence in respect of the adult entertainment parlour;
 - (iii) address of the adult entertainment parlour;
 - (iv) telephone number of the adult entertainment parlour.
7. Not include any other letters, marks, pictures, contrasting colours, symbol, logo, or any whatsoever on the signs referred to in paragraph 2.
8. Except as otherwise provided in this section:
 - (i) not in any way or by any means
 - (ii) not permit or suffer any person to advertise or use advertising devices inside or outside the premises, including any printed matter, oral or other communication or thing posted or used, for the purpose of promoting his adult entertainment parlour or the erotic goods and erotic services provided therein.
9. Retain the licence of the attendant in his possession during the term of employment of the attendant and post it up in a conspicuous place in the adult entertainment parlour.
10. Notify the licensing committee in writing within forty-eight hours,
 - (a) of commencement of employment; or
 - (b) of cessation of employment,of an attendant and the full reasons therefor.
11. Ensure that the attendant notifies the licensing committee before the employment commences or so soon thereafter as is reasonably possible.
12. Return the attendant's licence to him upon the termination of his employment.
13. Deposit with the licensing committee a list of all erotic goods and erotic services or class thereof and of the respective fees, charges or other remuneration or consideration for such services and, if such fees, charges, or other remuneration or consideration are based on the computation of time, the hourly rate.

14. Post a list of the erotic goods and erotic services provided, in a conspicuous place in the interior of the adult entertainment parlour plainly visible to any person entering the area of the premises where the goods or the services are provided.
15. Not carry on or permit or acquiesce in the carrying on of any trade, calling, business or occupation by any person in the adult entertainment parlour for which a licence is required under this by-law, without a licence.
16. Not permit any person, other than a licensed attendant, to provide an erotic service as an attendant in pursuance of a trade, calling, business or occupation at the adult entertainment parlour.
17. Retain and keep in legible condition, a copy of all bills and receipts given to customers for at least one year after the erotic goods and erotic services are provided.
18. Keep records and books of account of all business transacted in or by or in respect of the adult entertainment parlour, showing,
 - (a) the amount of the pass receipts for all erotic goods and erotic services;
 - (b) information respecting each attendant including,
 - (i) dates of commencement and termination of employment;
 - (ii) amount of salary, commission or other remuneration paid to each individual;
 - (c) all amounts paid by the owner to the operator or by the operator to the owner.
19. Keep the records and books for at least one year after the information required by paragraph 18 has been entered.
20. Attend before and notify the licence administrator of a change of his address within two days of such change and produce his licence for the change to be entered thereon.
21. Deposit with the licensing committee within seven days of the execution thereof or agreement thereto, a copy of every written contract of service, contract for service, or other document constituting or pertaining to the relationship between,
 - (a) the owner and operator;
 - (b) the owner or operator and the attendant.
22. Make available for inspection by a licence inspector, the original of the contract or other documents referred to in paragraph 21.

23. Retain the original of the contract or document for a period of at least six months after terminated.
24. Cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise,
 - (a) the adult entertainment parlour;
 - (b) erotic goods or erotic services provided in an adult entertainment parlour,
 upon being ordered by the licensing committee in writing so to do.
25. Obliterate, withdraw, remove or destroy, as the case may be, any such poster, handbill, card, novelty, notice, newspaper advertisement or other matter mentioned in paragraph 24 upon being ordered by the licensing committee to cease publication, display or circulation.
26. Deposit with the chief licence inspector a schedule of business hours of the adult entertainment parlour.
27. Not carry on or permit the carrying on of any trade, calling, business or occupation on the premises of the adult entertainment parlour not in accordance with the schedule of business hours referred to in paragraph 28.
- ** 28. Except where otherwise provided in this schedule, close or cause to be closed the adult entertainment parlour at,
 - (a) 11:45 o'clock in the afternoon on Saturday and remain closed until 8:00 o'clock in the forenoon of the next following Monday;
 - (b) 12:00 o'clock midnight and remain closed until 8:00 o'clock in the forenoon of the next following day.
39. Every owner, operator and attendant shall comply with the following regulations:
 1. Not provide erotic goods or erotic services in conjunction with, or accessory to, or ancillary to, or as part of, a trade, business, calling or occupation, the carrying on or the engaging in of which is required to be licensed by any other by-law of the city.
 2. Not carry on a trade, calling, business or occupation other than that specified in the licence.
 3. Not provide erotic goods and not provide erotic services other than those described in the list of goods or services filed by the owner or operator, with the licensing committee.

Not charge, demand, ask or require or permit to be charged, demanded, asked for or required or acquiesce in same for erotic services, any amount other than that set out in the list of fees, charges or other remuneration or consideration filed with the licensing committee.

Give to the customer, upon payment of the bill, a written, itemized, serially numbered receipt for the amount paid.

Not provide any erotic goods or provide any erotic services in a room, cubicle or other enclosure with a door or other means of access which is equipped, constructed, or used,

(b) in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.

Not permit any person to take, consume, or have liquor or any drugs while upon the premises of the adult entertainment parlour.

Be well behaved and civil in all dealings with customers and members of the public.

EXEMPTIONS

Part 8, except sections 31 and 32 and paragraphs 2, section 39, shall not apply to the owner, operator or manager of any establishment in Class "A" adult entertain-

41. Part 8, except sections 31 and 32 and paragraphs 2, 4 and 10 of section 39, shall not apply to the owner, operator or attendant providing erotic goods in a Class "A" adult entertainment parlour.

42. Paragraph 11 of section 39 shall not apply to a premises or trades, callings, businesses or occupations carried on in a premises licensed under The Liquor Licence Act, 1975.

* Section 2 Amended to Read:

2. Every owner and every operator to whom a Class "A" licence is issued, shall comply with the following regulations:

1. Keep and maintain the erotic goods at least five feet six inches above floor level or behind the sales counter.
2. Keep and maintain the erotic goods, while on display or available for purchase, in a sealed transparent package or wrapping on which is imprinted in legible writing the name and address of the distributor.
3. Permit only the title of the erotic goods to be exposed to initial viewing.

** Section 28 Amended to Read:

28. Except where otherwise provided in this schedule, close or cause to be closed the adult entertainment parlour at,

- (a) 11:45 o'clock in the afternoon on Saturday and remain closed until 8:00 o'clock in the forenoon of the next following Monday;
- (b) 1:00 o'clock in the forenoon and remain closed until 8:00 o'clock in the forenoon of the same day.

4. Not offer to provide or provide any erotic goods or erotic services in an adult entertainment parlour to any person under the age of eighteen years.

5. Not charge, demand, ask or require or permit to be charged, demanded, asked for or required or acquiesce in same for erotic services, any amount other than that set out in the list of fees, charges or other remuneration or consideration filed with the licensing committee.

6. Give to customers before erotic goods or erotic services are provided, an itemized bill for such goods and services and the price to be paid for each item of goods and service.

7. Give to the customer, upon payment of the bill, a written, itemized, serially numbered receipt for the amount paid.

8. Not use any part of the premises of an adult entertainment parlour as a dwelling or for sleeping purposes.

9. Not provide any erotic goods or provide any erotic services in a room, cubicle or other enclosure with a door or other means of access which is equipped, constructed, or used, with a locking device of any kind; or

(a) in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.

10. Produce his licence for inspection upon demand by a police constable or the chief licence inspector or the medical officer or a public health inspector.

11. Not permit any person to take, consume, or have liquor or any drugs while upon the premises of the adult entertainment parlour.

12. Be properly dressed, neat and clean in his person, satisfactory to the medical officer or the chief inspector.

13. Be well behaved and civil in all dealings with customers and members of the public.

PART 9 EXEMPTIONS

Paragraph 1 of section 39 shall not apply to an owner, proprietor or attendant providing erotic goods in respect of a Class 1 or 2 adult entertainment parlour, or as part of, a trade, business, calling or occupation, the engagement in of which is required to be licensed under section 9 and 20 of BY-law No. 73-342.

Part 8, except sections 31 and 32 and paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, shall not apply to the owner, operator or

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